



## POLICY STATEMENT

<b>Subject: Political Activities</b>	<b>Issued:</b> May 2000	<b>Policy Section:</b> HR
	<b>Revised:</b> 04-11-2016	<b>Page:</b> 1 of 4

The Department of Economic Development (DED) recognizes an employee's right to participate in political activities. However, state personnel and conflict of interest laws may restrict some political activities of state employees. The purpose of this policy is to distinguish between permissible and prohibited political activities. However, there are separate restrictions for merit and non-merit employees.

### Resources

- Missouri State Regulation 1CSR 20-3.080(2) and 1CSR 35-1.050 (2)(B)3
- Sections 36.150, 36.155, 36.157 and 36.159, RSMo
- DED Supplemental Employment Policy
- DED Use of State Property and Resources Policy

### Definitions

*Merit employee:* Department employees in the classified service in division subject to merit system provisions of state personnel law. \*

*Non-Merit employee:* Department employees in the covered or exempt or unclassified service in division subject to the classification and pay provisions of state personnel law, but not subject to the merit system provisions contained in the law. \*

*Partisan:* Any election where candidates are identified on the ballot by party affiliation.

*Nonpartisan:* Any election where candidates are not identified with any political party affiliation.

**\*Employees who are unsure of their merit status may contact their Human Resources Coordinator.**

### Merit System Classified Employees Permitted and Prohibited Activity:

Merit employees may take part in the activities of political parties and political campaigns under the following conditions:

#### *Prohibited Activity:*

- No employee shall be a candidate for nomination or election to any partisan public office or to any nonpartisan office in conflict with the employee's duties unless such person resigns, or obtains a regularly granted leave of absence from such person's position. No person elected to partisan public office, while holding office, shall be appointed to any position covered by the merit system portion of the state personnel law;
- An employee may not be an officer of a partisan political club; and may not take part in the management or affairs of a political party or a partisan political campaign;
- Employees may not use their official authority or influence for the purpose of interfering with the results of an election;
- An employee may not knowingly solicit, accept or receive a political contribution, on or off the job, from any person who is a subordinate employee of the employee;



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- An employee may not knowingly solicit or discourage the participation in any political activity of any person who has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing department of such employee or is the subject of, or a participant in, an ongoing audit, investigation, or enforcement action being carried out by the employing department of such employee;
- An employee may not engage in political activity –
  - While on duty;
  - In any room or building occupied in the discharge of official duties;
  - By utilizing any state resource or facilities;
  - While wearing a uniform or official insignia identifying the office or position of the employee; or
  - When using any vehicle owned or leased by the state or any agency or instrumentality of the state;
- No person, in any manner, shall levy or solicit any financial assistance or subscription for any political party, candidate, political fund or publication, or for any other political purpose from any employee in a position subject to the merit system portions of the state personnel law; and no employee shall act as agent in receiving or accepting any such financial contribution, subscription, or assignment of pay; and
- It is unlawful for any person to intimidate, threaten, command, or coerce any employee of the state to engage in, or not to engage in, any political activity including, but not limited to, voting, or refusing to vote, for any candidate or measure in any election, making, or refusing to make, any political contribution or working, or refusing to work, on behalf of any candidate. No employee of this state shall discriminate against, discipline, or otherwise create a preference for or against any employee subject to such person's authority as a consequence of such employee's political belief or expression of such belief. Any person who violates the provisions of this section is guilty of a class three election offense punishable by a term of imprisonment for not more than one (1) year and a fine of not more than two thousand five hundred dollars (\$2,500), or both such fine and imprisonment. Any person convicted of a violation of this section shall lose such person's position in the agency.

### *Examples of Permitted Activity:*

- An employee may vote as the employee chooses and express the employee's opinion on political subjects and candidates;
- Employees may campaign for a candidate or slate of candidates in a partisan or nonpartisan election and for or against referendum questions, constitutional amendments, and similar issues;
- Employees may voluntarily attend political fundraising functions and make voluntary contributions to political organizations or candidates; and collect voluntary contributions and participate in fund-raising for partisan and nonpartisan election campaigns;
- Employees may attend and participate in partisan presidential caucuses held to determine a political group's preference for the Office of President of the United States;



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- Employees may assist in voter registration drives and may serve as election judges; and.
- An employee may be a candidate for nomination or election to a nonpartisan public office which is not in conflict with the duties of the employee's merit system position.

### **Non-Merit System (Covered and Exempt) and Merit Unclassified Employees Permitted and Prohibited Activity:**

Non-merit employees may take part in the activities of political parties and political campaigns under the following conditions:

#### *Prohibited Activity:*

- Employees may not use their official authority or influence for the purpose of interfering with or affecting an election or nomination;
- Employees may not coerce or otherwise influence any state or local officer or employee to pay, lend or contribute anything of value to a political organization; and
- An employee in his/her official capacity, may not engage in solicitation of any kind, including the solicitation of contributions, gifts or donations, the solicitation of signatures on petitions, or the solicitation of support for any political candidate or cause.
- An employee may not engage in political activity –
  - While on duty;
  - In any room or building occupied in the discharge of official duties;
  - By utilizing any state resource or facilities;
  - While wearing a uniform or official insignia identifying the office or position of the employee; or
  - When using any vehicle owned or leased by the state or any agency or instrumentality of the state;

#### *Examples of Permitted Activity:*

- Employees may engage in any political activity that is not specifically prohibited by federal law; and
- An employee may become a candidate for an elective public office in a partisan election, a position within a political party, a delegate to a political party convention or a member of a political party committee.

### **Policy Compliance and Violation**

- Employees must notify Human Resources in writing of their desire to file for partisan and/or nonpartisan office prior to becoming a candidate
- An employee who is elected or appointed to a partisan office must immediately resign his or her position with DED
- Both merit and non-merit employees are also subject to Chapter 105, RSMo, Regulation of Conflict of Interest and Lobbying



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- Notwithstanding anything contained in this policy, an employee's positions with DED shall be his or her primary job and supplemental employment is subject to the guidelines of DED's Supplemental Employment policy
- Notwithstanding anything contained in this policy, employee use of state property and resources is restricted for business purpose and subject to the terms of the departmental Use of State Property and Resources policy
- Violations of this policy will be cause for disciplinary action up to and including dismissal